

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

United States of America

v.

Tracy B. Davis, Sr.

Case No. 3:19MJ37

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 18, 2019 in the county of Montgomery in the
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(1) and 924(a)(2)

Possession of a Firearm by a Prohibited Person

This criminal complaint is based on these facts:

See attached affidavit.

☐ Continued on the attached sheet.


Complainant's signature

Jason Barnes, TFO, DEA
Printed name and title

Sworn to before me and signed in my presence.

Date: January 19, 2019

City and state:

Dayton, Ohio


Judge's signature

Sharon L. Ovington, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

Jason Barnes, a Task Force Officer for the Drug Enforcement Agency ("DEA") and a City of Dayton Police Department officer being duly sworn, deposes as follows:

INTRODUCTION

1. I am a Task Force Officer ("TFO") with the DEA. I have been employed in law enforcement since December 2001. I currently serve as an officer with the Dayton Police department ("DPD"). I have been assigned to Patrol Operations and am currently assigned to the Narcotics Bureau. I have extensive prior experience in investigating drug cases that resulted in successful prosecution of persons involved in trafficking of drugs, possession of drugs, and gun related offenses. I have been involved in narcotics related arrests, executed search warrants that resulted in the seizure of narcotics and weapons, participated in undercover narcotics purchases and supervised the activities of informants who have provided information and assistance resulting in narcotics purchases. Through training and experience, I am familiar with the manner in which persons involved in the illicit distribution and sales of controlled substances often operate. These subjects usually attempt to conceal their identities, as well as the locations at which they reside and where they store controlled substances and the illegal proceeds derived therefrom. Through training and experience, I am familiar with the practices of narcotics distributors and sellers, whereby they attempt to conceal the true nature, source and location of process of illegal activity, commonly referred to as money laundering. In January 2019, I became a Task Force Officer ("TFO") with the DEA.
2. This affidavit is made in support of an application for a federal arrest warrant and complaint against **Tracy B. DAVIS, Sr. ("DAVIS")** for the following offense:
 - a. Felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).
3. The facts in this affidavit are submitted for the purpose of establishing probable cause, and do not include every fact known in the investigation. I have reviewed documentation and reports provided by and discussed information with other agents, officers, and investigators involved in the investigation. For purposes of this Affidavit, I have not distinguished between information of which I have direct knowledge and that of which I have hearsay knowledge.

FACTS

4. In December 2017, DPD Detective Mistan D. Bailey received information that **DAVIS** was selling narcotics from 25 Ernst Avenue, Dayton, Ohio. An investigation was initiated. Using the JusticeWeb website, Detective Bailey noted **DAVIS** had prior convictions for Possession of Heroin, Montgomery County Common Pleas Case No. 2012CR03768 and Possession of Cocaine, Montgomery County Common Pleas Case No. 1997CR02750. **DAVIS** also has felony convictions for Intimidation of a Crime Witness,

Montgomery County Common Pleas Case No. 2007CR04865 and Domestic Violence, Montgomery County Common Pleas Case No. 1999CR03151, as well as multiple arrest for assault, felonious assault, and domestic violence.

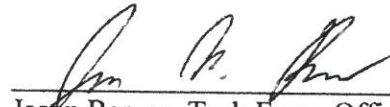
5. Law enforcement conducted a search of the Montgomery County Auditor's Office and located two properties owned by **DAVIS**, one of which was 25 Ernst Avenue, Dayton, Ohio. Law enforcement conducted several trash pulls over the course of several months. Each of those trash pulls provided various evidence of drug possession and drug sales. Law enforcement also located items of possessory interest, such as mail addressed to **DAVIS** at that address.
6. Therefore, in January 2019, Detective Bailey authored a search warrant for 25 Ernst Avenue, Dayton, Ohio 45405 and **DAVIS**. This search warrant was signed by the Honorable Dayton Municipal Court Judge Carl S. Henderson on January 17, 2019.
7. On January 18, 2019, members of the Dayton Police Narcotics Bureau and West Side Patrol Officers briefed for the service of this search warrant. At approximately 9:55 am, the Narcotics Bureau served this search warrant and located two people inside the house. As the team was making entry into the house at the front, other officers stationed at the rear of the evidence observed **DAVIS** run out the rear entry door of the house. **DAVIS** was ordered to the ground and placed into handcuffs. An adult female also ran out the rear door of the residence, and she was also apprehended by law enforcement.
8. Law enforcement entered the house and did a protective sweep and located two additional females inside. One of the females admitted to living at the house, the other was a guest. In executing the search warrant at 25 Ernst Avenue, Dayton, Ohio, law enforcement located several items of evidentiary value. Located in the kitchen of 25 Ernst Avenue, was an extra-large Lipton Tea container which had a false bottom. In the bottom of the container were baggies of suspected cocaine (weighing approximately 29.89 grams), suspected cocaine (weighing approximately 23.82 grams), and suspected heroin (weighing approximately 18.54 grams).
9. In the dining room, law enforcement located several items which support evidence of drug sales. Those items included Home Smart sandwich baggies and a digital scale with residue on the table. In the dining room was a hutch. Inside the hutch, law enforcement located a silver hand press and three digital scales with suspected drug residue. Based on my training and experience in conducting narcotics investigations, I know that drug traffickers commonly use these items to weigh out and package narcotics for individual sales. Drug traffickers also use hand presses to press narcotics into pill-shape form for sale.
10. Also in the dining room, law enforcement located suspected drugs including, suspected cocaine (weighing approximately .4 grams) on the dining room table and 30-40 pills of an unknown substance, suspected marijuana (weighing approximately 50 grams), three bags of suspected cocaine (weighing approximately 14.22 grams), and 13 pills of an

unknown substance in the dining room hutch. Items of possessory interest in **DAVIS'** name were also located on the dining room table.

11. Inside the bedroom believed to be used by **DAVIS**, law enforcement located a Cobra .38 caliber handgun under the bed mattress. Inside the closet of this bedroom was a Jennings handgun. Several prescription pill bottles with **DAVIS'** name were located in this bedroom along with medical paperwork. Located within the residence was one other bedroom which appeared to be a female bedroom. This bedroom contained women's clothing and had women's toiletries throughout the room on the tables and dresser. This bedroom was also claimed by one of the females present in the house to be her room.
12. Law enforcement located three additional firearms throughout the search of 25 Ernst Avenue. On the back patio, law enforcement located a Smith & Wesson .40 caliber handgun concealed inside a cooler. In conducting a search of the garage of 25 Ernst Avenue, law enforcement located two firearms: a Master Piece Arms .45 caliber handgun and a Taurus .38 caliber handgun. The Master Piece Arms handgun was concealed within a cooler and the Taurus handgun was recovered from the front pocket of a bookbag.
13. While on scene at the search warrant, Detective Bailey met with **DAVIS** and read his Miranda Warnings to him from the card provided by the Montgomery County Prosecutor's Office. **DAVIS** verbally confirmed each right. **DAVIS** told Detective Bailey that he lives at 25 Ernst Avenue and has for a couple years. When asked about which specific room was his, **DAVIS** said he did not wish to talk anymore.
14. The suspected narcotics were seized and are being submitted to the Miami Valley Regional Crime Laboratory for analysis.
15. Due to the presence of narcotics and firearms in his residence, **DAVIS** was arrested on drug charges and having weapons while under disability and transported to the Montgomery County Jail.
16. Based on consultation with the nexus experts with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), I know that Cobra, Jennings, Taurus, Master Piece Arms, and Smith & Wesson firearms are not manufactured in the state of Ohio. As such, I conclude that the firearms referenced previously in this affidavit moved in interstate and/or foreign commerce to reach **DAVIS** in this state.
17. Based on a review of **DAVIS'** criminal history, I have determined that **DAVIS** has been previously convicted of the following felonies, which were punishable by a term of imprisonment exceeding one year:
 - a. on or about August 26, 2013, in the Court of Common Pleas, Montgomery County, Ohio, Case Number 2012CR03768, of possession of heroin (F3), in violation of the Ohio Revised Code and

b. on or about March 26, 2009, in the Court of Common Pleas, Montgomery County, Ohio, Case Number 2007CR04865, of intimidation of a crime witness (F3), in violation of the Ohio Revised Code.

18. Based on the above information, I believe that probable cause exists to conclude that on or about January 18, 2019, while in the Southern District of Ohio, **DAVIS** did violate 18 U.S.C. §§ 922(g)(1) and 924(a)(2) in that he was a previously convicted felon in possession of a firearm.


Jason Barnes, Task Force Officer
Drug Enforcement Agency

Subscribed and sworn to before me this 19th day of January, 2019.


SHARON L. OVINGTON
UNITED STATES MAGISTRATE JUDGE

